



#### To the Honorable Council City of Norfolk, Virginia

May 10, 2016

From:

George M. Homewood, AICP, CFM, Planning Director

Subject: Change of zoning from R-8 (Single-Family) district to conditional C-1 (Limited Commercial) district

and an Entertainment Establishment Special Exception at 2729 Bowdens Ferry Road – Andalousi

Reviewed:

Ronald H. Williams, Jr., Deputy City Manager

Ward/Superward: 2/6

Approved:

Wantan

**Item Number:** 

PH-4

Marcus D. Jones, City Manager

I. Staff Recommendation: Approval.

#### II. Commission Action:

- This item was continued from the April 12 City Council docket to May 10 at the request of the applicant.
- By a vote of 5 to 1, the Planning Commission recommends Approval of the requests.
- Subsequent to the Planning Commission's public hearing the applicant revised his hours of operation as depicted below.
- III. <u>Request:</u> Change of zoning to Limited Commercial and an Entertainment Establishment Special Exception.
- IV. Applicant: Andalousi

#### V. Description:

 The site is currently developed as a religious institution, however, it has been vacant for some time.

Applicant has proposed an adaptive reuse of the existing church to a banquet facility.

	Proposed	Revised
Hours of Operation	9:00 a.m. until 12:00 midnight, seven days a week	
Hours for the Sale of Alcoholic Beverages and Entertainment	11:00 a.m. until 12:00 midnight, seven days a week	11:00 a.m. to 11:00 p.m. Thursday through Saturday Closed Sunday through Wednesday
Capacity	232 seats indoors 0 seats outdoors 240 total capacity	Same
Entertainment	Disc Jockey 6 member live band	Same

#### VI. Historic Resources Impacts

- The existing building is not located within a federal, state, or local historic district.
  - Since the original structure on the site was built in 1895 and is at least 50 years old, it could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.
- As part of the conditional rezoning, the applicant has proffered that the building on the site shall not be demolished and that no modifications will be made to the exterior of the building.

Staff point of contact: Susan Pollock at 664-4765, susan.pollock@norfolk.gov

#### Attachments:

- Staff Report to CPC dated February 25, 2016 with attachments
- Proponents and Opponents
- Ordinances



#### **MEMORANDUM**

TO: The Honorable City Council

REVIEWED: Ronald H. Williams, Jr. Deputy City Manager

Leonard M. Newcomb III, CFM, Assistant Director, City Planning

CC TO: Susan Pollock Hart, CFM, Principal Planner, City Planning

FROM: George M. Homewood, AICP, CFM, Director, City Planning

Change of zoning from R-8 (Single-Family) district to conditional C-1 (Limited Commercial) district and an Entertainment Establishment Special Exception at

SUBJECT: 2729 Bowdens Ferry Road – Andalousi

DATE: May 5, 2016

On the May 10, 2016 Regular Agenda, City Council will be reviewing two requests by Andalousi: a change of zoning from R-8 (Single-Family) district to conditional C-1 (Limited Commercial) district and a special exception request to operate an entertainment establishment with alcoholic beverages at 2729 Bowdens Ferry Road. The site is located on the west side of Bowdens Ferry Road, just south of 37<sup>th</sup> Street, within the Lamberts Point neighborhood. The applicant, Omar Boukhriss, proposes to operate a banquet facility with alcohol and entertainment. Mr. Boukhriss currently operates "Omar's Carriage House," located in the West Freemason neighborhood.

The site is currently developed as a religious institution (most recently the Greater House of Faith Apostolic Church), although it has been vacant for some time. The site is zoned R-8, which allows religious institutions with a special exception. Any new religious institution that proposed to use this building would need to apply for a special exception. The existing building is not located within a federal, state, or local historic district. However, since the original structure on the site was built in 1895 and is at least 50 years old, it could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.

The City's general plan, plaNorfolk2030, identifies this site as single-family traditional; thus the proposed use as a banquet hall is not consistent with plaNorfolk2030. However, the Preserving Our Heritage chapter of plaNorfolk2030 calls for protecting Norfolk's historic resources, in part by encouraging the re-use of nonconforming historic structures. The applicant is proposing an adaptive reuse of the existing church to a banquet facility. As part of the conditional rezoning, the applicant has proffered that the building on the site shall not be demolished and that no modifications will be made to the exterior of the building.

The Planning Department received two letters from the Lamberts Point Civic League. The first, dated December 31, 2015, expressed support for the application to convert the church to a banquet hall with entertainment and alcohol. The second, dated February 20, 2016, reiterated the unanimous support from the civic league for this application. However, at the Planning Commission public hearing, three residents of Lamberts Point voiced their opposition to this application, stating concerns over the use of the property as an entertainment establishment and the noise that may be generated later into the evening hours.

After conducting a duly advertised public hearing on February 25, 2016, at which the applicant and Lamberts Point Civic League provided comments, the City Planning Commission voted 5 to 1 (Mr. Hales was absent for this vote) to recommend approval of the application. The dissenting vote was based on concerns raised by residents of the neighborhood who came to the hearing and a desire to consider an 18-month "sunset clause" on the approval in order to address these concerns. However, given that the investment required to convert the existing building is quite substantial, such a sunset clause would negatively impact the ability to finance the project and likely would effectively be a denial. The lack of the 18-month sunset clause does not inhibit City Council's ability to revoke a special exception if the operator fails to run the establishment in compliance with the adopted ordinance.

There is no parking available on the church property so the applicant provided a tentative agreement for use of the parking at the Madison Career Center which is located directly across Lamberts Point Road to the east. Subsequent to the hearing, the applicant was unable to finalize that agreement, however, agreements with two other nearby businesses have been provided; agreements for the parking lot located at 1225 West 26<sup>th</sup> Street and owned by RG Electric Company, Inc. and parking located at 2701 Hampton Boulevard and owned by ODU Credit Union. A condition of the special exception is that the applicant provide a minimum of 35 parking spaces for his patrons.

Staff contact: Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov



# Planning Commission Public Hearing: February 25, 2016

Executive Secretary: George M. Homewood, AICP, CFM

Planner: Susan Pollock Hart

Staff Report	Item No. 5		
Address	2729 Bowdens Ferr	y Road	
Applicant	Andalousi		
	Change of Zoning	From: R-8 (Single- Family)	To: C-1 (Limited Commercial)
Request	Special Exception	Entertainment Esta	blishment
Property Owner	Southern Back & Tr	ust	
	Site Area/Building	20,125/9,718 sq. ft.	
	Future Land Use	Single Family Tradit	ional
Site Characteristics	Zoning	R-8 (One-Family)	
	Neighborhoods	Lamberts Point	
	Character District	Traditional	
	North	R-8: Single-Family h	omes
Surrounding Area	East	IN-1 (Institutional): Center	Madison Career
	South	R-8: Single-Family homes	
	West	R-8: Single-Family h	nomes



#### A. Summary of Request

- The site is located on the west side of Bowdens Ferry Road just south of 37<sup>th</sup> Street.
- The applicant proposes to operate a banquet facility with alcohol and entertainment.

#### **B.** Plan Consistency

- plaNorfolk2030 designates this site as single-family traditional, meaning the proposed use is not consistent with plaNorfolk2030.
- The Preserving Our Heritage chapter of plaNorfolk2030 calls for protecting Norfolk's historic resources, in part by encouraging the re-use of nonconforming historic structures.
- Since the proposed rezoning and special exception will permit the re-use of an existing historic designation-eligible structure that is not appropriate for single-family residential use, it can be supported despite the inconsistency with plaNorfolk2030.

#### C. Zoning Analysis

- i. General
- The site is currently developed as a religious institution, however, it has been vacant for some time.

• The site is zoned R-8 which permits religious institutions by special exception.

	Proposed
Hours of Operation	9:00 a.m. until 12:00 midnight, seven days a week
Hours for the Sale of Alcoholic Beverages and Entertainment	11:00 a.m. until 12:00 midnight, seven days a week
Capacity	232 seats indoors 0 seats outdoors 240 total capacity
Entertainment	Disc Jockey 6 member live band

#### ii. Parking

- The site is located in the Traditional Character District, which requires one parking space per 175 square feet of enclosed building area for entertainment establishments.
  - Religious institutions require one parking space per 60 square feet.
- The parking required would be less than the previous use required and would comply with current standards.

 Although there are no parking spaces on site, the applicant will lease parking from the Madison Career Center which is located directly across Bowden's Ferry Road to the east.

#### iii. Flood Zone

 The property is located in the X (Low to Moderate) Flood Zone which is a low risk zone.

#### D. Transportation Impacts

- Institute of Transportation Engineers (ITE) figures estimate that that this proposal will generate 1,032 new vehicle trips per day.
- Based upon ITE data, the existing church on this site would be expected to generate 89 trips while the proposed 232 restaurant/banquet hall would be expected to generate 1,121 trips on weekdays.
- Hampton Boulevard just south of this location is identified as a severely congested corridor in the PM peak in the most recent update to regional Hampton Roads Congestion Management analysis – other portions of Hampton Boulevard adjacent to the site are shown as moderately congested during the morning and afternoon peaks in the regional document.
- The site is near transit service with Hampton Roads Transit bus route 2 (Hampton) operating along Hampton Boulevard near the site.
- Bowdens Ferry Road adjacent to the site is an identified priority corridor in the City of Norfolk Bicycle and Pedestrian Strategic Plan.

#### E. Historic Resources Impacts

- The existing building is not located within a federal, state, or local historic district.
  - Since the original structure on the site was built in 1895 and is at least 50 years old, it could potentially meet the criteria for designation as a federal, state or local historic resource under the Department of Historic Resources guidelines.
- As part of the conditional rezoning, the applicant has proffered that the building on the site shall not be demolished and that no modifications will be made to the exterior of the building.

#### F. Public Schools Impacts

The site is located in the Taylor Elementary School, the Blair Middle School, and the Maury High School Districts.

#### G. Impact on the Environment

There were two calls for service for this site over the past year, with no arrests made.

#### H. Impact on Surrounding Area/Site

By requiring this use to conform to the conditions listed below, the proposed entertainment establishment should not have a negative effect on the surrounding neighborhood.

#### I. Payment of Taxes

The owner of the property is current on all real estate taxes.

#### J. Civic League

- The application was sent to the Lamberts Point Civic League on January 13.
- A letter of support was received from the Lamberts Point Civic League on December 31, 2015.

#### K. Communication Outreach/Notification

- Legal notice was posted on the property on January 19.
- Letters were mailed to all property owners within 300 feet of the property on February 11.
- Legal notification was placed in The Virginian-Pilot on February 11 and February 18.

#### L. Recommendation

Staff recommends that the special exception request be **approved** subject to the conditions shown below:

- (a) The hours of operation for the establishment shall be limited to 9:00 a.m. until 12:00 midnight, seven days a week. No use of the establishment outside of the hours of operation listed herein shall be permitted
- (b) The hours of operation for the sale of alcoholic beverages, and for entertainment shall be limited to 11:00 a.m. until 12:00 midnight, seven days a week.
- (c) The seating for the establishment shall not exceed 232 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 240 people.
- (d) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (e) Entertainment shall be limited to a disc jockey or live bands having no more than 6 members. No other form of entertainment is permitted.
- (f) The dance floor shall not exceed 196 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (g) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (h) No door to the establishment which opens onto or faces a public right-ofway shall be propped open during any time that entertainment is being provided.
- (i) The establishment shall maintain a current, active business license at all times while in operation.
- (j) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (k) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (I) The proposed dumpster(s) shall not be located within any required front yard or corner side yard and shall be gated and shielded from view from any public right-of-way by opaque masonry or concrete walls (exclusive of that area needed for accessibility for trash removal) designed to be compatible with the principal building that it serves.
- (m) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (n) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served nonalcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description

printed on the menu.

- (o) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- (p) The business authorized by this special exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (q) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (r) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (s) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (t) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (u) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (v) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;

- (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
- (9) The establishment's designated driver program; and
- (10) The establishment's Security Plan.
- (w) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security guard per 50 guest occupants on the property whenever occupancy shall exceed 180 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p. m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.
- (x) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.

#### Attachments:

Location Map
Zoning Map
1000' radii map of similar ABC establishments and Norfolk Public Schools
Application
Notice to the Lamberts Point Civic League

# **Proponents and Opponents**

#### **Proponents**

Omar Boukhriss 2729 Bowdens Ferry Road Norfolk, VA 23508

Thomas Harris 1231 W. 27<sup>th</sup> Street Norfolk, VA 23508

# **Opponents**

Pastor Julius Burchette 1414 W. 27<sup>th</sup> Street Norfolk, VA 23508

Peter and Robin Bernath 3711 Bowdens Ferry Road Norfolk, VA 23508

Leonder Garris 1241 W. 38<sup>th</sup> Street Norfolk, VA 23508 02/24/2016 lds

Form and Correctness Approved:

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

By DEPT.

# **ORDINANCE No.**

PH-3

AN ORDINANCE TO REZONE PROPERTY LOCATED AT 2729 BOWDENS FERRY ROAD FROM R-8 (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO CONDITIONAL C-1 (LIMITED COMMERCIAL) DISTRICT.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That the property located at 2729 Bowdens Ferry Road is hereby rezoned from R-8 (Single-Family Residential) district to conditional C-1 (Limited Commercial) district. The property which is the subject of this rezoning is more fully described as follows:

Property fronting 244 feet, more or less, along the western line of Bowdens Ferry Road and 27 feet, more or less, along the northern line of West 27<sup>th</sup> Street; premises numbered 2729 Bowdens Ferry Road.

Section 2:- That the property rezoned by this ordinance shall be subject to the following condition:

- (a) The existing building located on the site shall not be demolished.
- (b) No modification will be done to the exterior of the building.

Section 3:- That the official Zoning Map for the City of Norfolk is hereby amended and reordained so as to reflect this rezoning.

Section 4:- The Council hereby finds that this zoning amendment is required by public necessity, convenience, general welfare, or good zoning practice.

Section 5:- That this ordinance shall be in effect from the date of its adoption.

04/26/2016 lds

Form and Correctness Approve

Office of the City Attorney

NORFOLK, VIRGINIA

Contents Approved:

# **ORDINANCE No.**

AN ORDINANCE GRANTING A SPECIAL EXCEPTION AUTHORIZING THE OPERATION OF AN ENTERTAINMENT ESTABLISHMENT WITH ALCOHOLIC BEVERAGES KNOWN AS "ANDALOUSI" ON PROPERTY LOCATED AT 2729 BOWDENS FERRY ROAD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Omar Boukhriss authorizing the operation of an entertainment establishment with alcoholic beverages named "Andalousi" on property located at 2729 Bowdens Ferry Road. The property which is the subject of this Special Exception is more fully described as follows:

Property fronting 244 feet, more or less, along the western line of Bowdens Ferry Road and 27 feet, more or less, along the northern line of West 27th Street; premises numbered 2729 Bowdens Ferry Road.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours of operation for the establishment shall be limited to 11:00 a.m. until 11:00 p.m. Thursday through Saturday and closed Sunday through Wednesday. No use of the establishment outside of the hours of operation listed herein shall be permitted.
- (b) The seating for the establishment shall not exceed 232 seats indoors, no seats outdoors, and the total occupant capacity, including employees, shall not exceed 240 people.
- (c) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation or management of the establishment as

described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier. Notwithstanding the above, no violation of this condition shall be deemed to have occurred if the only change in management is a result of one or more of the members of the management team identified in the Description of Operations ceasing to work at the establishment.

- (d) Entertainment shall be limited to a disc jockey or live bands having no more than six (6) members. No other form of entertainment is permitted.
- (e) The dance floor shall not exceed 196 square feet and shall be located as indicated on the basic floor plan attached hereto and marked as "Exhibit B." The dance floor shall be constructed of a different material than the primary floor material.
- (f) The layout of the establishment shall adhere to the specifications of the floor plans attached hereto and marked as "Exhibit B."
- (g) No door to the establishment which opens onto or faces a public right-of-way shall be propped open during any time that entertainment is being provided.
- (h) The establishment shall maintain a current, active business license at all times while in operation.
- (i) The establishment shall remain current on all food and beverages taxes and business personal property taxes which may become due while it is in operation.
- (j) No public telephone(s) shall be permitted on the exterior of the property. Any public phone(s) on the interior of the building shall be located in an area within full view of the establishment's staff and shall not be permitted within any restroom.
- (k) Dumpsters shall not be located within any required front yard or corner side yard and shall be gated

and shielded from view from any public right-ofway by opaque masonry or concrete walls designed to be compatible with the principal building.

- (1) During all hours of operation, the establishment operator shall be responsible for maintaining those portions of public rights-of-way improved by sidewalk and portions of any parking lot adjacent to the premises regulated by the special exception so at to keep such areas free of litter, refuse, solid waste, and any bodily discharge.
- (m) The establishment shall maintain a designated driver program which shall provide, at minimum, that designated drivers may be served non-alcoholic beverages at no charge. The establishment shall describe the program in writing and its availability shall be made known to patrons via either a printed card placed on each table and on the bar or a description printed on the menu.
- (n) A menu shall be provided containing an assortment of foods which shall be made available at all times the establishment is open. A food menu and full dining service shall be available at the bar.
- The business authorized by this special exception (0) shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this special exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new special exception must be obtained prior to implementing such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (p) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this special exception. This special exception may be revoked for any violation of a general or specific

condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.

- (q) An ABC manager, employed and compensated by the applicant, shall be present at all events held on the premises. This manager shall supervise the event at all times. The ABC manager shall be present on the premises at least one hour prior to the beginning of the event and shall remain on the premises until the event is concluded and the establishment is secured and locked. If alcohol is not served or consumed, a responsible supervisor, employed and compensated by the applicant, shall perform this function.
- (r) In addition to the ABC manager or supervisor the applicant shall provide such additional paid staff as may be necessary to coordinate, supervise, and manage any event held on the premises.
- (s) Neither the establishment nor any portion of it shall be leased, let, or used by any third party to stage an event for profit. No outside promoter shall be permitted to use, operate, rent, or host any event on the premises.

Notwithstanding anything to the contrary, the requirements of this subsection shall not apply to the following entities, who may lease or otherwise use the establishment for events that are permitted by and comply with this ordinance in all other respects:

- (1) Any federal, state, or local government or governmental agency;
- (2) Any party that receives a grant or other direct funding from a state or local government; and
- (3) Any party that is recognized as a charitable organization in good standing under § 501(c)(3) of the Internal Revenue Code of the United States Code at the time of the event.

Collectively, the parties identified in items 1, 2 and 3 above are defined as "Authorized Entities".

- (t) The establishment manager shall notify the Commissioner of the Revenue no less than 72 hours prior to the commencement of any event at which a cover charge is to be collected or any event held by an Authorized Entity which leases, lets, or uses the establishment.
- (u) A binder or folder containing documentation relating to the operation of the establishment shall be kept on the premises at all times and shall be produced upon request made by any person. For purposes of this section, the documentation relating to the operation of the establishment shall include copies of the following:
  - (1) This special exception;
  - (2) Any ABC license(s);
  - (3) Any occupancy permit(s);
  - (4) Certifications of all persons who work on the premises as a security guard;
  - (5) All fire code certifications, including alarm and sprinkler inspection records;
  - (6) Any health department permit(s);
  - (7) The emergency action plan required under the Fire Prevention Code;
  - (8) The names, addresses, and phone numbers of all persons who manage or supervise the establishment at any time;
  - (9) The establishment's designated driver program; and
  - (10) The establishment's Security Plan.
- (v) The business shall provide in-house security or retain the services of a licensed security firm to provide security services at a rate of one security

guard per 50 guest occupants on the property whenever occupancy shall exceed 180 people or when otherwise required by at least 36 hours prior written notice of the Fire Marshal, Chief of Police, or any designee of either. After 8:00 p.m. each Friday and Saturday as well as during special events, a security supervisor certified either in the Responsible Hospitality Training course offered by the City of Norfolk or in accordance with the requirements of the Virginia Department of Criminal Justice Services shall be present on the property.

- (w) The written security plan submitted to the City as part of the application for this special exception and on file with the Department of Planning shall remain in full force and effect at all times while the establishment is in operation.
- (x) Off lot parking with no less than 35 spaces shall be secured with a proper lease in effect at all times that the property is used as permitted by this special exception.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted General Plan of Norfolk and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;

- (d) The proposed use and development will be constructed, arranged and operated so as not to interfere with the use and development of neighboring property in accordance with the applicable district regulations;
- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

# ATTACHMENTS:

Exhibit A (4 pages)

Exhibit B (5 pages)



# EXHIBIT "A" Description of Operations Entertainment Establishment (Please Print)

Date 1 - 17 - 16	
Trade name of business	s'i
Address of business 2729 Bowdens	Ferry Road NORFOLK VA
Name(s) of business owner(s)* Omav B	Soukhriss
Name(s) of property owner(s)* Suthern	Bank and Trost.
Name(s) of business manager(s)/operator(s)	Shoina Sondler
Daytime telephone number (151 )	-5018
*If business or property owner is a partnership, a *If business or property owner is an LLC or Corpo	
Proposed Hours of Operation:	
	Alcoholic Beverage Sales and Entertainment Veekday From <u>II Am</u> To <u>IL Am</u>
Friday From 9 AM To 12 AM F	riday From 11 Am To 12 Am
Saturday From 9 4M To 12 4M S	Saturday From 11 AM To 12 AM
Sunday From <u>Q AM</u> To <u>12 AM</u> S	Sunday From <u>      Am                             </u>
2. Type of ABC license applied for (check all applied for On-Premises Off-Premises (see	plicable boxes): econd application required)
3. Type of alcoholic beverage applied for:  1. Beer DWine Mixed Bevera	age

# DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

### Exhibit A – Page 2 Entertainment Establishment

4.	Will video games, pool tables, game boards or other types of games be provided?  ☐ Yes (If more than 4, additional application required)  ☐ No
	4a If yes, please describe type and number of each game to be provided:
5.	Will patrons ever be charged to enter the establishment?  ☑ Yes □ No
	5a. If yes, why: NON Profit Organisation pul
	Funds Raising
	5b. Which days of the week will there be a cover charge (circle all applicable days):
1	Monday Tuesday Wednesday Thursday Friday Saturday Sunday
6.	Will the facility or a portion of the facility be available for private parties? ☐ Yes ☐ No
	Bat Mitzvah, Bor Mitzvah, etc.
	Batmitzveh, Bormitzvah. etc.
7.	Will a third party (promoter) be permitted to lease, let or use the establishment?  Yes □ No
	7a. If yes, explain:  Non Brofitable drawing in
	Such as Physician For Peace
8.	Will there ever be a minimum age limit?  ☐ Yes ☑ No

# DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508
Norfolk, Virginia 23510
Telephone (757) 664-4752 Fax (757) 441-1569

Entertainment E	stablishn	ent	
9. Additional com	ments/des	cription/operational characteristics or prior experience	:
6 Men	Bond	/ DJ	

Exhibit A - Page 3

Note: If smoking is permitted, then floor plans must be submitted showing all necessary building requirements for such facility

Signature of Applicant

#### Exhibit A – Floor Plan(s) Worksheet Entertainment Establishment

•	Complete this worksheet based for each floor plan submitted with application.  Floor plan(s) must be prepared by a registered design professional and include:  Tables/seats Restroom facilities Ingress and egress Standing room Disc Jockey/Band/Entertainment area) Outdoor seating Total maximum capacity (including employees)
1.	Total capacity
	A. Indoor  Number of seats (not including bar seats)  Number of bar seats  Standing room
	b. Outdoor Number of seats
	c. Number of employees
To (In	otal Occupancy ndoor/Outdoor seats, standing room and employees) = <u>고</u> 닉으
2.	Entertainment List ANY type of entertainment proposed other than a 3 member live band, karaoke, comedian, or poetry reading.
	DJ, 6 Member live bond
3.	Will a dance floor be provided?  ☐ Yes ☐ No
	3a. If yes, Square footage of establishment

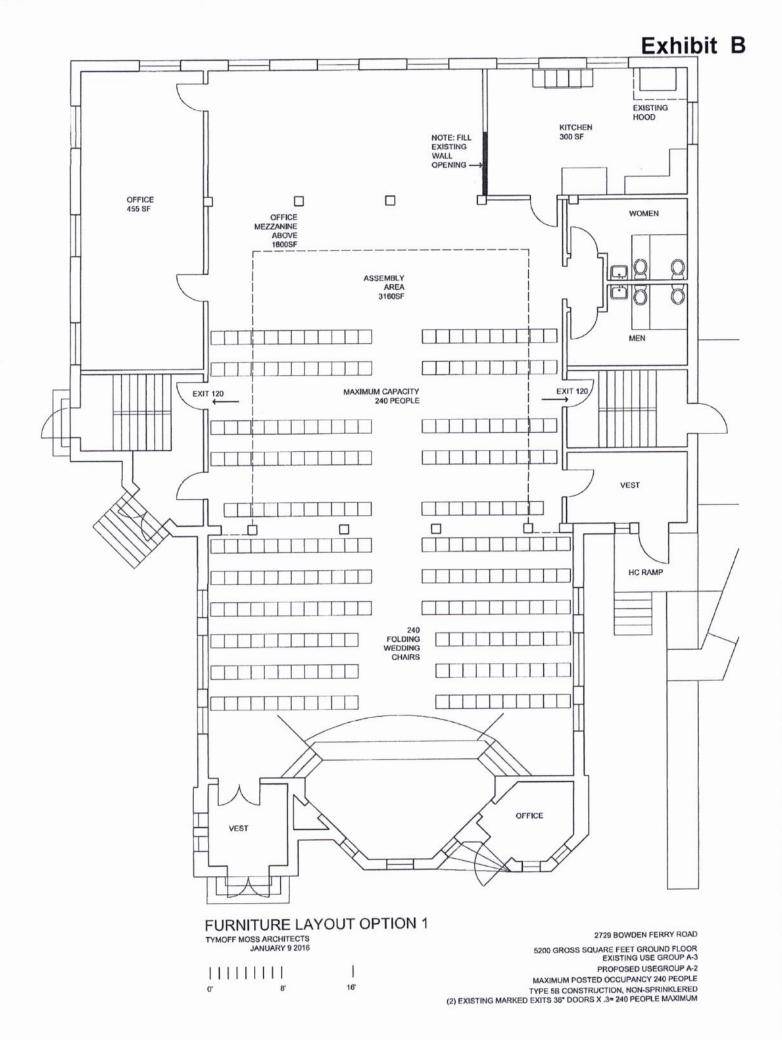
If a disc jockey is proposed, a dance floor must be provided.

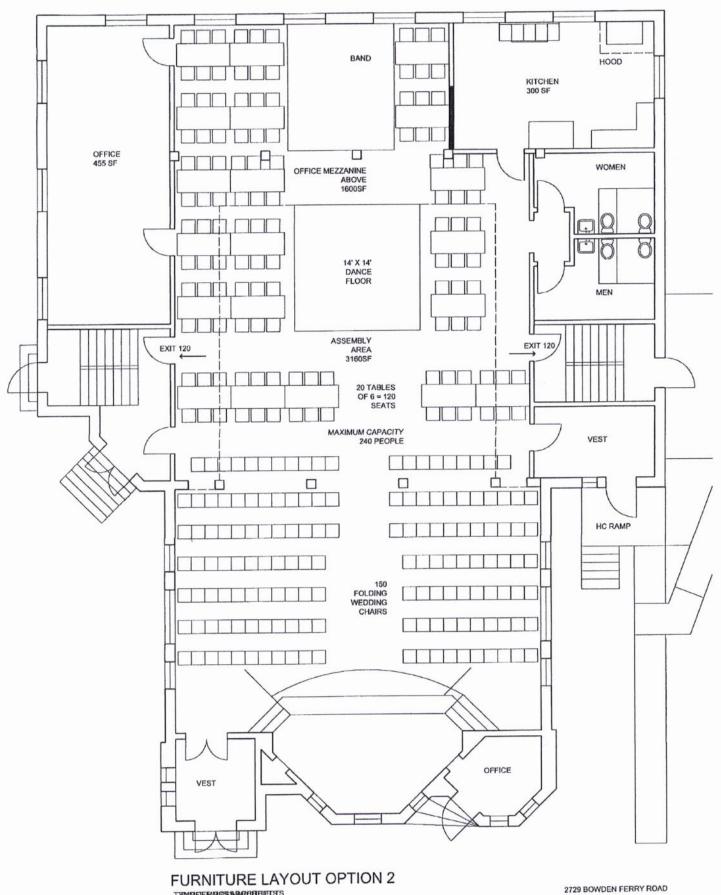
Square footage of dance floor 14 × 14

 If the dance floor is more than 10% of the square footage of the establishment, a Dance Hall permit is required.

#### DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569

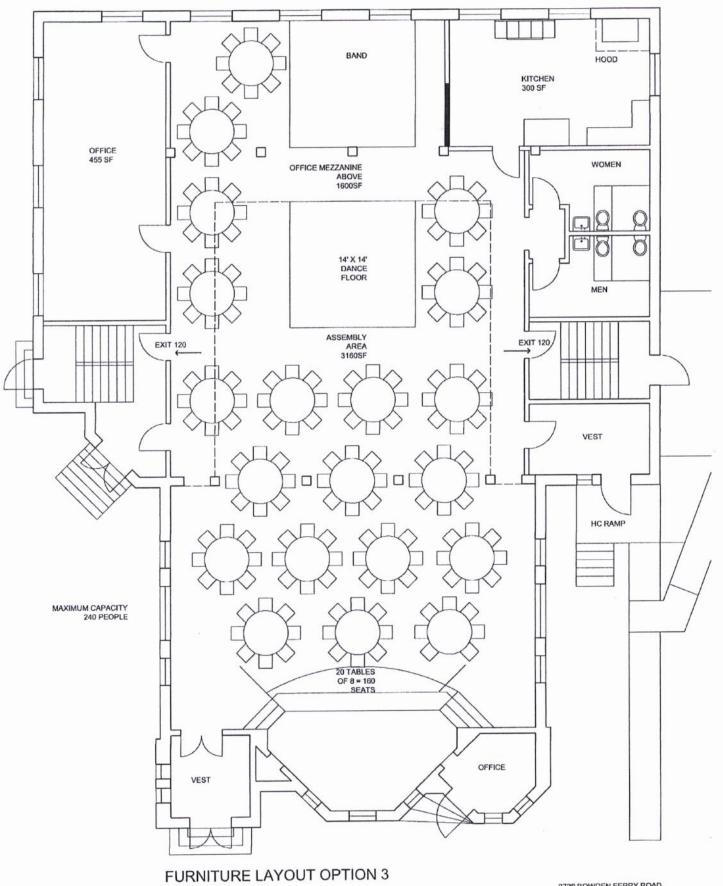




STEDENTINA RESIDENT

1 111111111 16' 0,

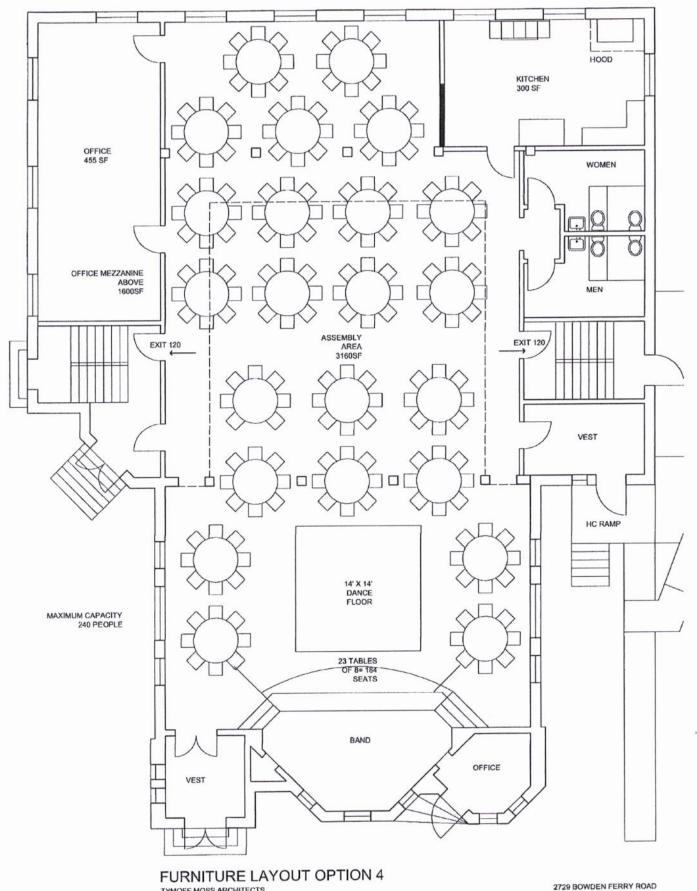
5200 GROSS SQUARE FEET GROUND FLOOR EXISTING USE GROUP A-3 PROPOSED USEGROUP A-2 MAXIMUM POSTED OSCUPANCY 240 PEOPLE
TYPE 5B CONSTRUCTION, NON-SPRINKLERED
(2) EXISTING MARKED EXITS 36" DOORS X .3= 240 PEOPLE MAXIMUM



TYMOFF MOSS ARCHITECTS JANUARY 9 2016

111111111 0' 16' 2729 BOWDEN FERRY ROAD

5200 GROSS SQUARE FEET GROUND FLOOR
EXISTING USE GROUP A-3
PROPOSED USEGROUP A-2
MAXIMUM POSTED OCCUPANCY 240 PEOPLE
TYPE 5B CONSTRUCTION, NON-SPRINKLERED
(2) EXISTING MARKED EXITS 36\* DOORS X .3= 240 PEOPLE MAXIMUM



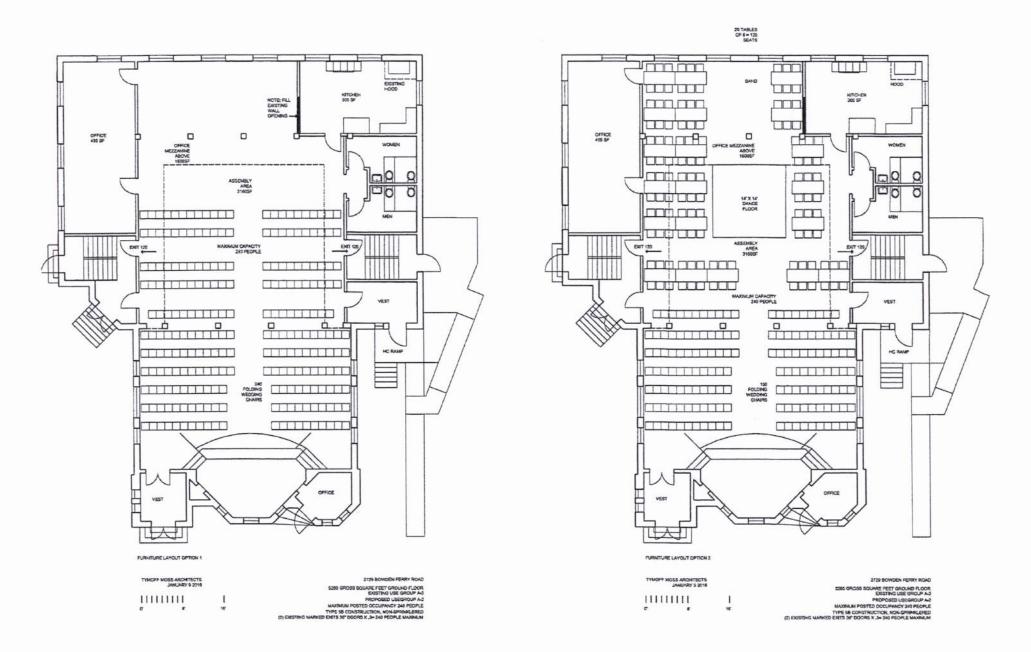
TYMOFF MOSS ARCHITECTS JANUARY 9 2016

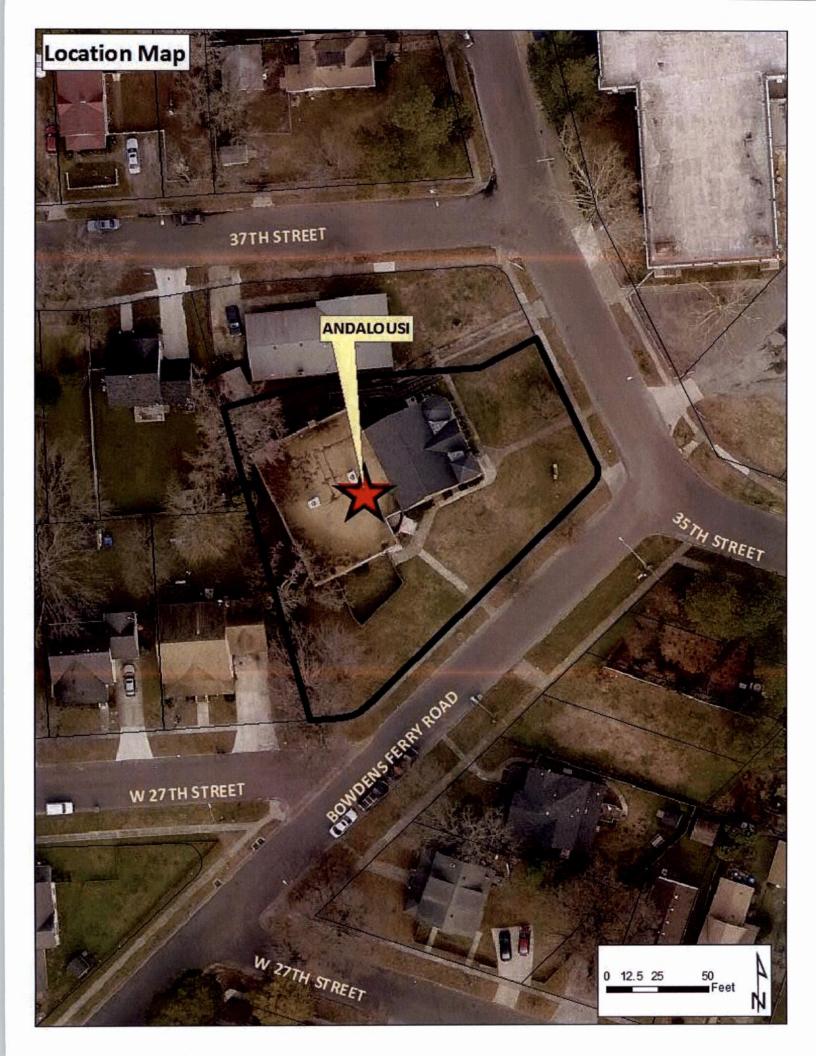
111111111

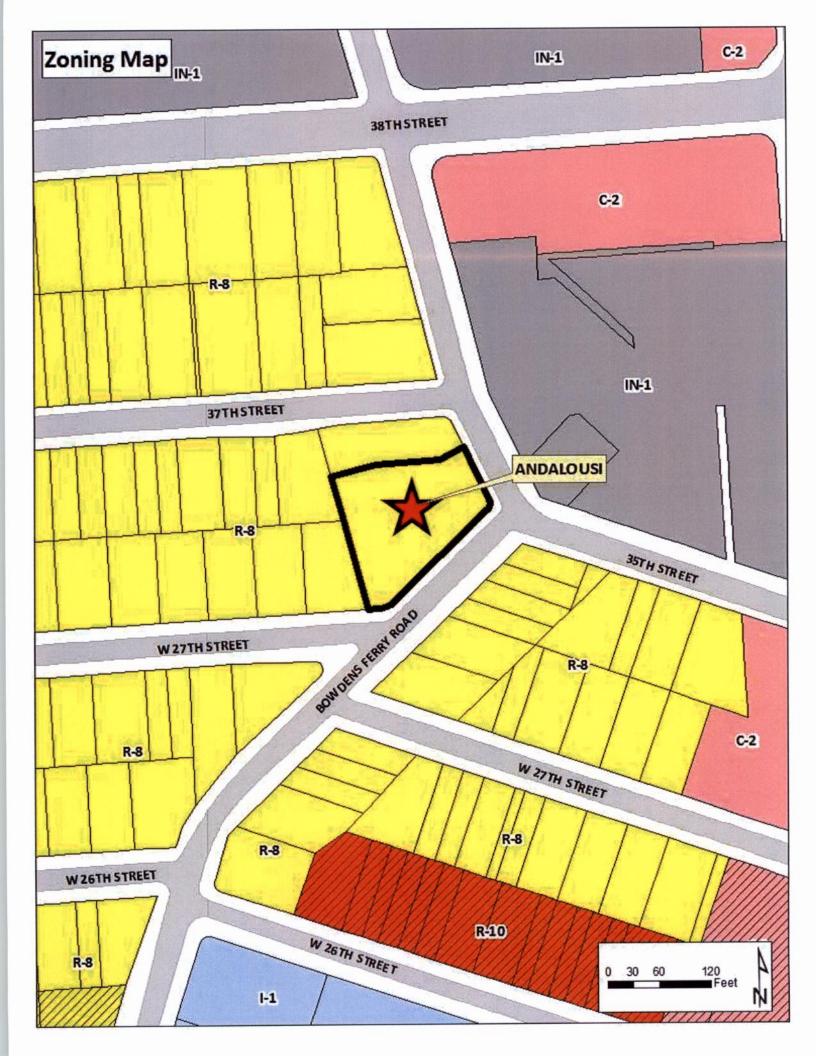
16'

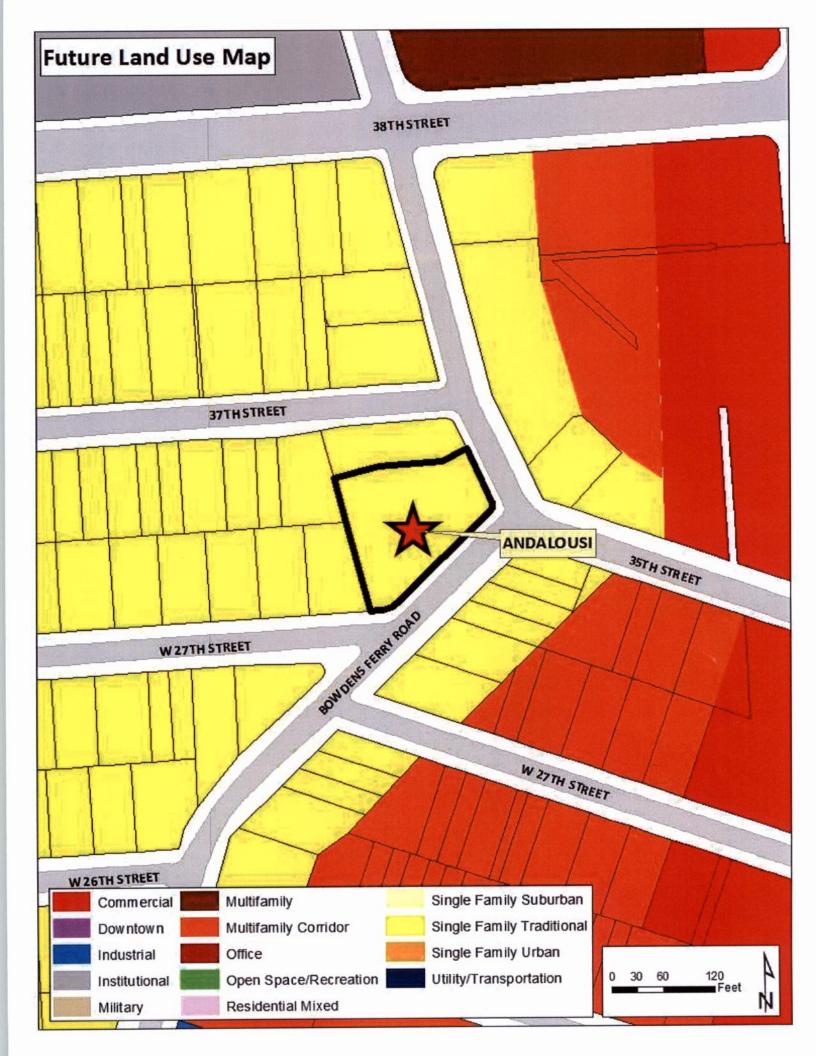
5200 GROSS SQUARE FEET GROUND FLOOR EXISTING USE GROUP A-3 PROPOSED USEGROUP A-2

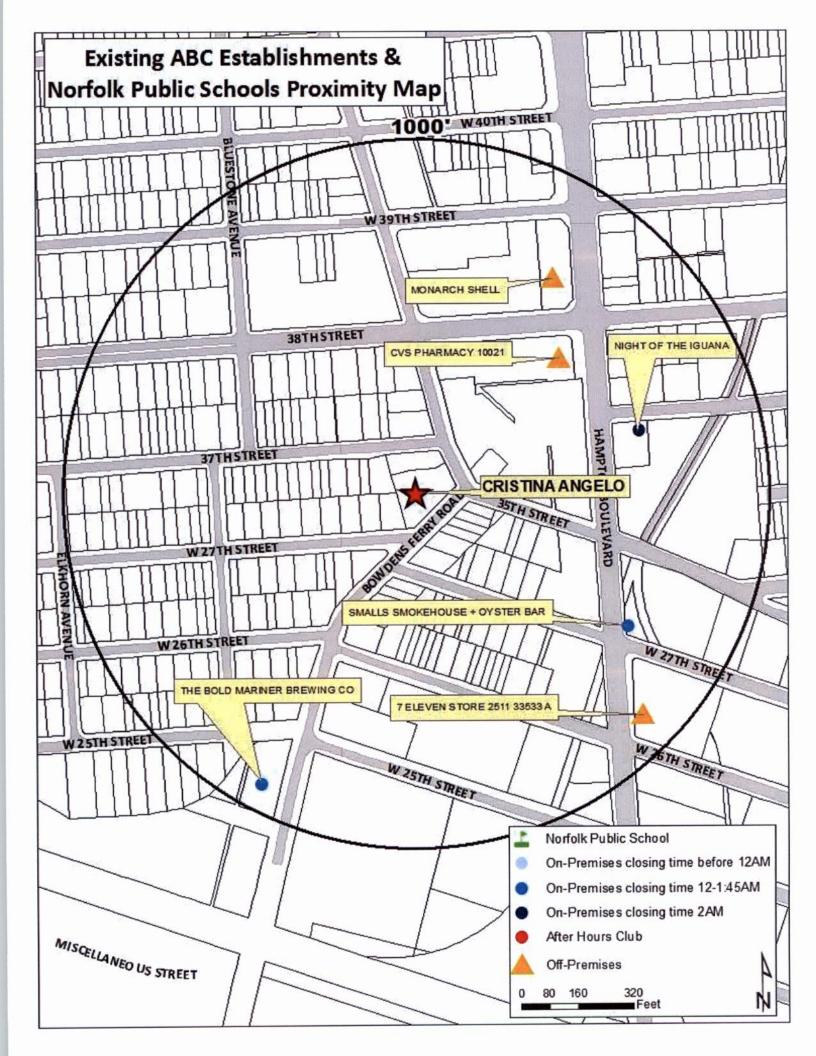
MAXIMUM POSTED OCCUPANCY 240 PEOPLE TYPE 58 CONSTRUCTION, NON-SPRINKLERED (2) EXISTING MARKED EXITS 36" DOORS X .3= 240 PEOPLE MAXIMUM













# APPLICATION CHANGE OF ZONING

Date of application: $1 - 07 - 16$
Change of Zoning
From: <u>R</u> Zoning To: <u>C1</u> Zoning
DESCRIPTION OF PROPERTY
Property location: (Street Number) 2729 (Street Name) Bowdens Ferry Road Noefolk VA  Existing Use of Property: Church
Current Building Square Footage
Proposed Use Bonquet Hall
Proposed Building Square Footage
Trade Name of Business (If applicable) ANDALOUS
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) BOUKHEISS (First) OMAR (MI)
Mailing address of applicant (Street/P.O. Box): 313 W. Bute St
(City)(State)(Zip Code)(Z510
Daytime telephone number of applicant (757)
E-mail address of applicant: @mars house @ Verizon . net

#### **DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015) Application Rezoning Page 2

	AUTHORIZED AGENT (if applicable) If agent is a LLC or a Corp./Inc., include name of official representative and/or all partners)
	2. Name of applicant: (Last) (First)(MI)
	Mailing address of applicant (Street/P.O. Box):
	City) (State) (Zip Code)
	Daytime telephone number of applicant ( )Fax ( )
	E-mail address of applicant:
(I <sup>t</sup>	PROPERTY OWNER Property owner is a LLC or a Corp./Inc., include name of official representative and/or all partners)  Southern Bank and Trust Company  (First)
	CIVIC LEAGUE INFORMATION
	Civic League contact: Thomas Harris
	Date(s) contacted: October 7, 2015
	Ward/Super Ward information:

#### **DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015)

Rezoning Page 3			
	mplete application and certify te to the best of my knowledge:	the information	contained
Print name:(Property Ov	Sign:		
Print name: OMAR BO (Applicant)	Oukhriss Sign: Swe Do (Date)	ube 11 9	116
ONLY NEEDED IF APPLICABL	<u>E:</u>		
Print name:(Authorized	Sign:	Date)	

Application

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised January, 2015) Application Conditional Rezoning Page 4

## PROFERRED CONDITIONS

1) The Existing Building Located on the Site Shalf Not be Demolished
Not be Demolished
2) No modification will be done to the Exterior of
the building
3
3)
0)
4)
5)
6)
0 6 1 1
Print name: OMAR BOUKHRISS Sign: Juny Loub 21 23 116 (Applicant) (Date)
(Date)
District Ones Assessing Simple Ports 100 1
Print name: OMAR BOUKHRISS Sign: Dun Boulo 21 23 116

## **DEPARTMENT OF CITY PLANNING**

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 (Revised September, 2015) THIS IS TO CERTIFY THAT CHI JULY 20, 2000, I SURVEYED THE PHOPERTY SHOWN ON THE PLAT AND THAT THE TITLE LINES AND PHYSICAL EMPROVEMENTS ARE SHOWN ON THIS PLAT. THE EMPROVEMENTS STAND STRICTLY WITHIN THE TITLE LINES AND THERE ARE NO ENCROACHMENTS OR VISIBLE EASEMENTS EXCEPT AS SHOWN.

THE RESIDENCE SHOWN HEREON APPEARS TO BE IN FLOCO ZONE "C"
FIRST MAP CITY OF HORFOLK
MAP REVISION APPEL 17, 1934

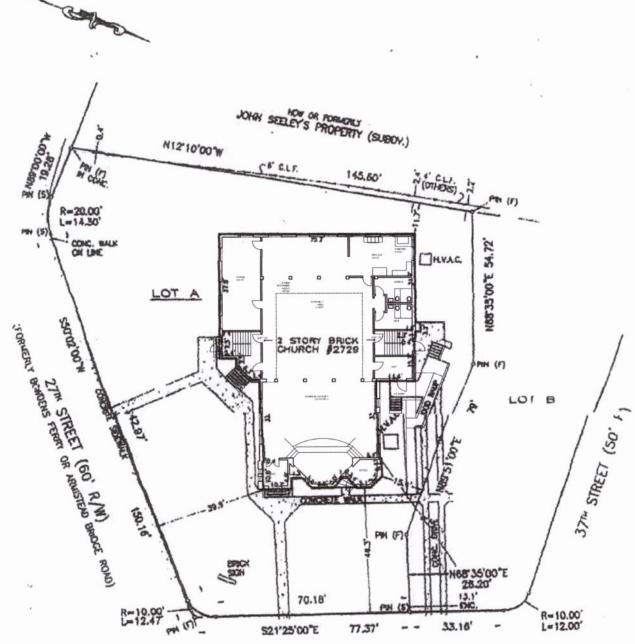
COMMANNITY MO. 0170

PANEL NO. 00170

THE BENEFIT OF A TIME REPORT.

WITH OF SURVEY - 0.4499 AC.





BOWDENS FERRY ROAD (VAR. R/W)

#### **EXISTING FLOOR PLAN**

TYMOFF MOSS ARCHITECTS JANUARY 9 2016

0' 8' 16'

PHYSICAL SURVEY

7790 ROWNENS FERRY COLD MARCH



# APPLICATION ADULT USE SPECIAL EXCEPTION ENTERTAINMENT ESTABLISHMENT (Please Print)

Date 1 - 1 - 1 6
DESCRIPTION OF PROPERTY
Address 2729 Bowdens Ferry Road NORFOLK, VA
Existing Use of Property Church
Proposed Use Banquet Hall
Current Building Square Footage 9780
Proposed Building Square Footage Sum
Trade Name of Business (If applicable)ANDALOUSI
APPLICANT (If applicant is a LLC or a Corp./Inc., include name of official representative and/or all partners)
1. Name of applicant: (Last) BOUKHEISS (First) OMAR (MI)
Mailing address of applicant (Street/P.O. Box): 313 W. Bute St
(City) (State) (Zip Code) 23510
Daytime telephone number of applicant (קצק) <u>288-6982</u> Fax (קצק) 622-8(22
E-mail address of applicant: Omes & Law @ Mrizan, net

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Application Entertainment Establishment Page 2

AUTHORIZED AGENT (if applicable) (If agent is a LLC or a Corp./Inc., include	name of official representation	ve and/or all partners)
2. Name of applicant: (Last)	(First)	(MI)
Mailing address of applicant (Street/P.O.	Box):	
(City)(S	State) (Zip 0	Code)
Daytime telephone number of applicant (	)Fax (	)
E-mail address of applicant:		
PROPERTY OWNER  f property owner is a LLC or a Corp./Inc., in  3. Name of property owner: (Last)  Mailing address of property owner (Street  (City) North (State)  Daytime telephone number of owner (	thern Bank and (First)	MI)
CIVIC LEAGUE INFORMATION		
Civic League contact:Thomas		
Date(s) contacted: October	7, 2015	:
Ward/Super Ward information:		

## DEPARTMENT OF CITY PLANNING

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 Application Entertainment Establishment Page 3

## **REQUIRED ATTACHMENTS**

		of my knowledge:	7	,
Print name:	(Property Owner or Authorized	_ <b>Sign:</b> d Agent of Signature)		(Date)
Print name:	OMAR BOUKHRISS (Applicant)	Sign: Sur Bowls (Date)	1107	1 16
Y NEEDED IF	APPLICABLE:			
Print name:_	(Authorized Agent Signature)	_Sign:(Date		

810 Union Street, Room 508 Norfolk, Virginia 23510 Telephone (757) 664-4752 Fax (757) 441-1569 of
OMAR BOUKRHISS
For
ANDALOUSI, LLC
2729 Bowden's Ferry Rd
Norfolk, VA 23508

#### Goals:

- To create a safe environment within and around Andalousi, LLC.
- To provide a level of control and safety for all arriving and departing guests.
- To mitigate any noise or inappropriate conduct by patrons entering or leaving facility which impairs the quiet enjoyment of immediate neighbors, particularly residents living nearby.
- To peacefully and effectively resolve all dangerous situations before any injury to person or property may occur. The staff and security team shall provide an assertive presence by displaying integrity and professionalism while executing their duties and responsibilities in an effort to maintain security, protection and safety to members of the public.
- To ensure a complete, orderly, safe and swift evacuation of the facility in case of fire, explosion or any other uncontrolled dangers within the building.
- To protect and promote the courteous, inviting and hospitable character of the neighborhood and the City of Norfolk.

#### The Plan:

- Off-duty police officers and members of the sheriff's department will be employed during events.
- Reputable security companies may also be called upon for staffing.
- Permanent on-site staff will attend all events and ensure the organization and control of events within and outside of the facility.
- Door personel will control activity at the main entrances at all times, monitoring entry of patrons.
- The premises will have an alarm system including monitoring of indoors and outdoors at all times accessible to the owner 24/7.
- In case of emergency situations in which the facility needs to be evacuated, all staff
  members including security will be responsible to ensure orderly and complete
  evacuation of the premises. Patrons will be escorted to a safe distance from the
  building. All exit signs are clearly marked.

## Andalousi, LLC 2729 Bowdens Ferry Rd Norfolk, VA 23508

## Description of Facility:

Our facility will be a venue open to the public to rent for special events including but not limited to; weddings, receptions, private parties, birthdays, corporate and military events. Our full on-site catering kitchen will be available for use to execute these events.

## Staffing:

The facility will employee 8-10 full time employees including kitchen staff, on and off site management, maintenance staff and security. In addition to this we will employ 20-50 part time employees to execute the events.

#### Pollock, Susan

From: Straley, Matthew

Sent: Wednesday, January 13, 2016 12:33 PM

To: 'lambertsptcivicleague@hotmail.com'; 'reggie.king@gmail.com'

Cc: Whibley, Terry; Williams, Angelia M.; Wilson, Denise; Pollock, Susan new Planning Commission applications - 2729 Bowdens Ferry Road

Attachments: Andalousi\_rezoning.pdf; Andalousi\_entertainment.pdf

Mr. Harris and Mr. King,

Attached please find the following applications at 2729 Bowdens Ferry Road:

- a. Change of zoning from R-8 (Single-Family) district to C-1 (Limited Commercial) district.
- b. Special exception to operate an entertainment establishment with alcoholic beverages.

The item is tentatively scheduled for the February 25, 2016 Planning Commission public hearing.

Should you have any questions, please e-mail or call Susan Pollock Hart at (757) 664-4765, susan.pollock@norfolk.gov

Thank You.

#### **Matthew Straley**

GIS Technician II

Norfolk Department of City Planning
810 Union Street, Suite 508 | Norfolk, Virginia 23510

Matthew.Straley@norfolk.gov | Tel: 757-664-4769 | Fax: 757-441-1569

December 31, 2015

Lamberts Point Civic League
City of Norfolk, VA

Department of City Planning
City Hall Building
810 Union Street
Norfolk, VA 23510

Dear City Planning Board,

I am writing on behalf of and at the request of Lamberts Point Civic League. We as a civic organization, would like to voice our support to Mr. Omar Boukhiss, owner of Omar's Carriage House. Mr. Boukhiss has asked for Lamberts Point Civic League's approval to turn the former Greater House of Faith Apostolic Church located at 2729 Bowden Ferry Rd. into a Wedding Reception Hall.

We as a group feel very happy that Mr. Boukhiss chose to renovate and upgrade the vacant building in our growing community.

Hopefully the new Reception Hall will ignite the spark of innovation and growth so badly needed in the Lamberts Point community. The plans for the upgrade was brought to our civic league many months ago. As a group we head Mr. Broukhiss give his best presentation and after so many questions and answers, all of our concerns were addressed and we as Lamberts Point Civic League gave him our blessings.

Sincerely, Thomas Hami

Thomas E. Harris

President

Lamberts Point Civic League

## Relectric Company, Inc

General Contractors 1225 West 26th Street, Norfolk, VA 23508 (757) 623-5012/Fax: (757) 627-5458

May 4, 2016

Department of City Planning City of Norfolk 810 Union Street #508 Norfolk, VA 23510

Dear Sir,

This letter is to confirm that we have entered into an agreement with Mr. Omar Baukhriss to lease our parking lot, located at 1225 W. 26<sup>th</sup> Street, for use during evening and weekend events.

If you have any questions, please do not hesitate to call.

Sincerely,

Robert G. Dashiell, III

Robert & Dorbull

President

## Markowski, Kimberly K.

From:

Newcomb, Leonard

Sent:

Thursday, May 05, 2016 2:49 PM

To:

Markowski, Kimberly K.

Subject:

FW: FW: Board Letter - Andalousi parking at ODU credit union

From: Simons, Matthew

Sent: Thursday, May 05, 2016 2:45 PM

To: Newcomb, Leonard Cc: Rigney, Chuck

Subject: FW: FW: Board Letter - Andalousi parking at ODU credit union

Lenny,

See email agreement for parking at the ODU credit union.

Matthew Simons, AICP, CZA, CFM City Planner II

757-664-4750

From: Omar's Carriage House [mailto:omarscarriagehouse@verizon.net]

Sent: Thursday, May 05, 2016 2:40 PM

To: Simons, Matthew

Subject: FW: FW: Board Letter

Shaina Sandler Catering Director/General Manager 757.622.4990 www.omarscarriagehouse.com



From: oducu@oducreditunion.org [mailto:oducu@oducreditunion.org]

**Sent:** Thursday, March 24, 2016 2:15 PM **To:** omarscarriagehouse@verizon.net

Subject: Re: FW: Board Letter

#### Omar Boukhriss,

The board has approved your request and will revisit it annually. I will draft up a letter with a few items that will need to be addressed, like access to our drive through, insurance and cleanup. I am heading out of the office and will be back on Tuesday. We wish you success with your new business endeavor. Have a great weekend. Thanks Diane

Diane Parker ODU Credit Union 2701 Hampton Blvd Norfolk VA 23517

PH: 757-533-9308 FAX: 757-625-1979

EMAIL: ODUCU@ODUCREDITUNION.ORG

-----Original Mail-----

From: "Omar's Carriage House" < omarscarriagehouse@verizon.net >

To: <oducu@oducreditunion.org> Sent: Tue, 22 Mar 2016 14:52:06 -0400

Subject: FW: Board Letter

Hi Diane, attached is the letter for your board. Please let me know when you get it. Thank you

Omar Boukhriss

Owner/ President

757.288.6982

<a href="http://www.omarscarriagehouse.com/">http://www.omarscarriagehouse.com/</a>>

facebook.com/omarscarriagehouse

From: Omars [mailto:omarscarriagehouse@verizon.net] Sent: Tuesday, March 22, 2016 2:48 PM

To: omarscarriagehouse@verizon.net

Subject: FW: Board Letter

From: Omars [mailto:omarscarriagehouse@verizon.net]
Sent: Sunday, March 20, 2016 3:53 PM
To: 'oducu@oducreditunion.org' <oducu@oducreditunion.org
<mailto:oducu@oducreditunion.org>>
Cc: 'ihsane.mouak@norfolk.gov' <ihsane.mouak@norfolk.gov
<mailto:ihsane.mouak@norfolk.gov>>
Subject: Board Letter

Hi Diane,

Attached is the letter for the board. I really appreciate your help with this.

Sincerely,

Omar

Email Services Provided by: CU Nation, Inc